

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: David R. Knighton and Vance D. Fiegel

Docket No.: EMB1007USC2

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application: 10/391,148

Examiner: Fadi H. Dahbour

Group Art Unit: 3742

**CONTINUATION APPLICATION UNDER**  
**37 C.F.R. § 1.53(b) TRANSMITTAL**

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a  
☒ continuation, ☐ divisional, ☐ continuation-in-part of pending prior Application No. 10/391,148, filed March 18, 2003 which is a continuation of U.S. Serial No. 09/715,382, filed November 17, 2000, now U.S. Patent No. 6,558,313, entitled VEIN HARVESTING SYSTEM AND METHOD and naming as inventors David R. Knighton, having an address of 3846 Zenith Avenue South, Minneapolis, Minnesota and Vance D. Fiegel, having an address of 1401 Mississippi Street, New Brighton, Minnesota.

1. ☒ Enclosed are 13 pages of specification, 3 pages of claims (11 claims), 1 page of abstract, and 5 pages of drawings.
2. ☒ Enclosed is a copy of the Declaration and Power of Attorney (3 pages).

---

**Certificate of Express Mailing (37 C.F.R. § 1.10)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 399043890 US and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date:

*February 17, 2004*

Signature:

Name: Jodi Jung

*Jodi Jung*



3. ☒ Incorporation by Reference. The entire disclosure of the prior Application No. 10/391,148, filed March 18, 2003, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
- 4a. ☒ The inventors have assigned their rights in this invention to Embro Corporation, which is a small business concern in accordance with 37 C.F.R. § 1.27(a)(2), and the Small Entity Status in accordance with 37 C.F.R. § 1.27(c)(1) is therefore asserted.
- 4b. ☒ The filing fee is calculated below.

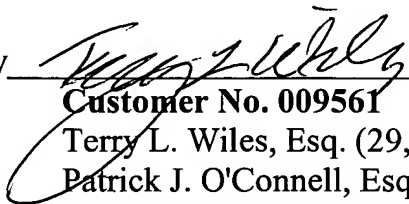
CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee
					\$385.00
Total Claims	11-20	0	X	\$18.00	\$0.00
Independent Claims	3-3	0	X	\$84.00	\$0.00
Multiple Dependent Claims	0	0	X	\$280.00	\$0
Total					\$385.00

5. ☐ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed for that purpose.
6. ☒ A check in the amount of \$ 385.00 is enclosed to cover the required filing fees.
7. ☒ Five sheets of formal drawings are enclosed.
8. ☒ The Assignment records in the Patent and Trademark Office indicate that the prior application is assigned to Embro Corporation, at reel 011430 /frame 0237.

9. ☒ The Power of Attorney in the prior application is to: Thomas E. Popovich, Terry L. Wiles, Patrick J. O'Connell, Miriam G. Simmons and others.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ A copy of the power in the prior application is enclosed.
- c. ☒ Address all future communications to:  
Terry L. Wiles, Esq. (29,989)  
Popovich, Wiles & O'Connell, PA  
650 Third Avenue South  
Suite 600  
Minneapolis, MN 55402
10. ☒ An Information Disclosure Statement (2 pages), and two copies of Form PTO-1449 (2 pages) are enclosed.

Respectfully submitted,

Dated: 2/17/04

By   
Customer No. 009561  
Terry L. Wiles, Esq. (29,989)  
Patrick J. O'Connell, Esq. (33,984)  
Miriam G. Simmons (34,727)  
Popovich, Wiles & O'Connell, P.A.  
650 Third Avenue South  
Suite 600  
Minneapolis, MN 55402  
Telephone: (612) 334-8989  
Representatives of Applicants